

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 12,374

IN THE MATTER OF:

Served April 23, 2010

Application of Malek Investment,)	Case No. AP-2009-096
Inc., to Change Trade Name on)	
Certificate No. 202 from MARYLAND)	
SHUTTLE AND SEDAN to MARYLAND)	
SHUTTLE)	

This matter is before the Commission on applicant's request for reconsideration of the voiding of trade name approval conditionally granted to applicant in Commission Order No. 12,136, served September 2, 2009.

Order No. 12,136 specified that applicant would have the full 180 days available under Commission Regulation No. 66, or until March 1, 2010, to satisfy the conditions of the grant by filing certain documents and presenting its vehicles for inspection by Commission staff. Applicant did not satisfy the prescribed conditions within the allotted time. The record shows that as of March 2, 2010, applicant had not filed an acceptable tariff. The application therefore now stands denied and the conditional grant void pursuant to the terms of Order No. 12,136 and Regulation No. 66.

Under Article XIII, Section 4(a), of the Compact, applicant had until April 1, 2010, to file an application for reconsideration, stating specifically the errors claimed as grounds for reconsideration.¹ Applicant filed an application for reconsideration on March 25, 2010, but the application does not allege any error on the part of the Commission. The application therefore is denied.

Although we may reopen this proceeding on our own initiative under Rule No. 26-04, we shall not exercise that option because applicant did not satisfy substantially all conditions of the grant on or before the deadline for requesting reconsideration.²

The record shows that as of April 1, 2010, applicant still had not filed an acceptable tariff after several failed attempts. The first attempt was on January 28, 2010. That tariff was rejected by

¹ See *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003) (30-day reconsideration filing period begins running on the day the conditional grant becomes void).

² See *In re BLS Limo Group, Inc.*, No. AP-07-056, Order No. 11,081 (Jan. 15, 2008) (declining to reopen where applicant failed to satisfy conditions on or before reconsideration deadline).

the Commission's Executive Director because it contained rates for vehicles not on the vehicle list applicant filed in response to Order No. 12,136. The second attempt was on February 18, 2010. That tariff was rejected by the Commission's Executive Director because not all rates were fixed as required by Article XI, Section 14(a), of the Compact. The third and final attempt took place on March 30, 2010. That 17-page tariff is not acceptable because it does not contain a table of contents as required by Regulation No. 55-07(a), contains rates for 9-passenger vehicles even though applicant operates only 7-person vehicles, and contains tables of fares by zip code for shared-rides to and from airports that do not agree with the verbal description of how those fares will be calculated.

THEREFORE, IT IS ORDERED that the application for reconsideration is hereby denied without prejudice to applicant's right to reapply for approval of trade name.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND CHRISTIE:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', is positioned above the printed name.

William S. Morrow, Jr.
Executive Director